HONOURABLE SMT. JUSTICE T.MEENA KUMARI
&
HONOURABLE SRI JUSTICE G.CHANDRAIAH

WRIT PETITION No:23851 OF 2007

Dated: 14.11.2007

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Between:

P. Rama Brahmam

..Petitioner

And

1.Government of A.P., represented by its
Principal Secretary, Transport, Roads & Buildings
Department, Secretary Buildings, Secretariat, Hyderabad
and others. ..Respondents

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HONOURABLE SMT. JUSTICE T.MEENA KUMARI
&

HONOURABLE SRI JUSTICE G.CHANDRAIAH

WRIT PETITION No:23851 OF 2007

ORDER: (per Hon'ble Smt. Justice T. Meena Kumari)

The present writ petition is filed by the petitioner challenging the order, dated 24.10.2007 passed by the tribunal in O.A.No.5218 of 2007.

The petitioner is the applicant before the Tribunal. He filed the above O.A. seeking to declare that G.O.Rt.No.1223 Transport, Roads & Buildings (Services IV) Department, dated 30.8.2007 in posting the unofficial respondent in the applicant's place without mentioning any valid reasons as arbitrary and illegal and consequently to set aside the consequential proceedings issued by the 3rd respondent vide Rc.No.3959/C4/2007, dated 1.9.2007 and to direct the official respondents to continue the applicant as Motor vehicle Inspector, Anantapur till completion of his full tenure or alternatively, the applicant is entitled to be shifted to Tadipatri along with the post, which is shifted from Anantaur to Tadipatri.

The tribunal having observed that as per the guidelines laid down by the Apex Court, the Courts and Tribunals shall not interfere with the administrative orders of transfers unless they are in violation of statutory provisions and that there is no ground to interfere with the orders impugned, dismissed the above O.A. Having aggrieved by the same, the applicant preferred the present writ petition.

Heard the learned Counsel and the learned Government Pleader for Services and Sri C. Masthan Naidu for the 4th respondent and perused the material available on record.

As can be seen from the material available on record, it is obvious that one post of Motor Vehicle Inspector, which was held by the petitioner at

Ananthapur, was ceased at Anantapur and the same was created at Tadipatri. In view of the vacation of the post at Ananthapur and in view of shifting the same to Tadipatri, the petitioner was transferred to Nandyal whereas the 4th respondent has been transferred and posted to work at Tadipatri. It is the case of the petitioner that he being the kidney patient, has to undergo timely treatment at Bangalore and his stay at Anantapur would be convenient for him to attend the hospital at Bangalore and therefore, he seeks to shift him to Ananthapur.

In view of the facts and circumstances of the case and in view of the fact that the petitioner being kidney patient has to undergo timely treatment at Bangalore, without expressing any opinion on the merits of the case, We feel it appropriate to observe that the case of the petitioner may be considered as and when vacancy arises at Ananthapur. However, it is made clear that the petitioner is at liberty to make representation to the authorities seeking to consider his case for transfer to Ananthapur and on such application, the respondents shall consider the same, subject to the availability of the vacancy at Anantapur.

Subject to the above observations, the writ petition is disposed of. No order as to costs.

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Justice T. Meena Kumari

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Justice G.Chandraiah

Date:14th November, 2007
Nn/Gurc.

HONOURABLE SMT. JUSTICE T.MEENA KUMARI
&
HONOURABLE SRI JUSTICE G.CHANDRAIAH

WRIT PETITION No:23851 OF 2007

(Order delivered by the Hon'ble Smt. Justice T. Meena Kumari)

14.11.2007